



DAEW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

McCARTHY et al.

Serial No.: 09/767,894

Filed: 01/22/2001

Atty. Docket No.: 3123-342

For: "HIGH EFFICIENCY, ERROR  
MINIMIZING CODING  
STRATEGY METHOD AND  
APPARATUS"

Group Art Unit: 2133

Examiner: Abraham, Esaw T.

**PETITION TO WITHDRAW  
HOLDING OF ABANDONMENT  
BASED ON FAILURE TO  
RECEIVE OFFICE ACTION  
(37 CFR § 1.181)**

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS  
BEING DEPOSITED WITH THE UNITED STATES POSTAL  
SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE  
ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O.  
BOX 1450, ALEXANDRIA, VA 22313-1450, ON THIS 19th  
DAY OF July, 2006.

  
Debbie K. Keller

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

On April 26, 2006, the U.S. Patent and Trademark Office ("USPTO") mailed a Notice of Abandonment (hereinafter "Notice"). According to the Notice, the application was abandoned in view of Applicants' failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance. More specifically, the Notice indicates that the issue fee was not received.

In response, Applicants are submitting this Petition to Withdraw Holding of Abandonment under 37 CFR § 1.181. The undersigned hereby states that the original Notice of

Allowance and Fee(s) Due (hereinafter "Notice of Allowance") was not received. Furthermore, the undersigned hereby attests to the fact that a search of the file jacket and docket records indicates that the original Notice of Allowance was not received. The undersigned is attaching a copy of the docket record where the non-received Notice of Allowance would have been entered had it been received and docketed (Exhibit A).

In view of the above, Applicants respectfully request the USPTO to: (1) withdraw its holding of abandonment; (2) mail the Notice of Allowance, along with any associated papers to the undersigned at the address given below; and, (3) reset the deadline for responding to the Notice of Allowance.

Applicants believe that no fees are due. Nevertheless, Applicants hereby authorize the Commissioner to debit Deposit Account No. 50-2198 for any fee deficiencies associated with filing this paper.

A representative from the U.S. Patent and Trademark Office is invited to contact the undersigned regarding any matters relating to the present application.

Respectfully submitted,



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Date: July 19, 2006

Application Serial No. 09/767,894  
Attorney Docket No. 3123-342

## **EXHIBIT A**

**December 23, 2005**

**Friday**

**12:00 AM - 12:30 AM**

**Q01-1074-US1 - ABSOLUTE - issue fee due**